

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

James Derwin Massey,

Case: 4:23-mj-30297

Assigned To : Ivy, Curtis, Jr

Assign. Date : 7/19/2023

Description: COMP USA v MASSEY (kcm)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 14, 2023 in the county of Genesee in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. § 922(g)(1)

Felon in possession of a firearm

This criminal complaint is based on these facts:

Please see affidavit

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence and/or by
reliable electronic means.

Date: July 19, 2023City and state: Flint, MI*Complainant's signature*Kenneth Monroe, Task Force Officer, ATF*Printed name and title**Judge's signature*Hon. Curtis Ivy, Jr., United States Magistrate Judge*Printed name and title*

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

United States v. James Massey

I, Kenneth Monroe, being duly sworn, depose and state the following:

INTRODUCTION AND AGENT BACKGROUND

1. I am currently employed by the Michigan State Police as a Detective Trooper and have been employed as Trooper since 2010. I have been a law enforcement officer since 2005 including service for Mundy Township Police Department, Swartz Creek Police Department, and City of Burton Police. I am currently assigned to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) as a Task Force Officer. I am currently assigned to the Detroit, Michigan Field Division, Flint Field Office. I am tasked with investigating violations of firearms and narcotics laws. During my employment, I investigated numerous incidents involving robberies, shootings, and homicides as well as violations of state and federal firearms laws.

2. I make this affidavit based on my participation in this investigation, including witness interviews by myself and/or other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of

establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.

3. Based on the facts below, I have probable cause to believe that on July 14, 2023, in the Eastern District of Michigan, James Massey, knowing that he had previously been convicted of a crime punishable by imprisonment exceeding one year, knowingly possessed, in and affecting commerce, a firearm in violation of 18 U.S.C. § 922(g)(1).

BACKGROUND

4. On Friday July 14, 2023, the Troopers Coon and Lopez of the Michigan State Police Flint Post were on patrol in the area of Brunswick Ave. and Atherton Rd. in the City of Flint and heard gunshots near their location.

5. Troopers began searching the area for the source of the shots. During the search they were flagged down by an unidentified female who pointed Troopers toward a black Ford Fusion that was turning east onto Atherton Rd. from Brunswick Ave. The female advised Troopers the occupants of the vehicle were the ones who fired the shots.

6. Troopers initiated a traffic stop on the vehicle as it turned south onto Grand Traverse St. from Atherton Rd. Upon approaching the vehicle Troopers observed the driver, later identified as James Massey, and the passenger, (“Individual-1”), reaching toward the passenger floorboard.

7. Trooper Coon made contact with Massey and observed him opening the center console of the vehicle. Inside the console, Trooper Coon observed an approximately half-full bottle of prescription codeine with a label removed. Massey advised Trooper Coon the bottle was, in fact, prescription of codeine. Trooper Lopez also observed an open bottle of liquor on the passenger floorboard of the vehicle.

8. Troopers removed Massey from the vehicle without incident and asked Individual-1 to exit the vehicle. Individual-1 refused to exit initially but eventually got out of the vehicle willingly. Upon exiting the vehicle, Trooper Lopez observed the black handle of a pistol under the passenger seat and a spent casing on the seat. Individual-1 advised Troopers there was a firearm under the seat and that it was not Individual-1's.

9. Troopers conducted a search of the vehicle and located a loaded, .45 caliber, HS Produkt (Springfield Armory) model XD45, semi-automatic pistol, bearing serial number GM462060. The firearm was found to have one live round in the chamber and 8 rounds in the magazine of the firearm. Troopers discovered the firearm was reported as stolen to the Grand Blanc Township Police Department on November 17, 2017.

10. As mentioned above, Troopers located a spent, .45 caliber casing on the passenger seat. The spent casing was a Hornaday brand, which matched the

ammunition inside the firearm. Troopers also recovered the open bottle of liquor on the passenger floorboard and bottle of prescription Codeine in the center console.

11. Massey did not wish to speak to Troopers about the incident. Individual-1 advised Troopers that Massey handed the firearm in question to Individual-1 as they were being pulled over. Individual-1 advised Troopers he/she was not in the vehicle when the shots were fired and he/she did not know what or who was shot at.

12. After the arrest of Massey, Troopers returned to the area they first heard the shots being fired. Troopers located one spent, .45 caliber, Hornady casing in the intersection at Brunswick St. and Atherton Rd.

13. Troopers transported Massey to the Genesee County Jail where he was eventually searched by Genesee County Jail Deputies. Upon being searched, deputies located what they suspected to be fentanyl in a folded piece of paper which was concealed in Massey's sock.

14. I conducted a check of MASSEY's computerized criminal history and discovered he had been convicted of the below listed felonies:

-11/26/1996 Felony possession of controlled substance, 67th District Court, Flint Michigan.

- 6/10/2003 Felony felon in possession of a firearm, U.S. District Court, Eastern District of Michigan.
- 1/23/2004 Felony fleeing and eluding, 7th Circuit Court, Flint Michigan.
- 2/5/2004 Felony felon in possession of a firearm, U.S. District Court, Eastern District of Michigan.
- 7/1/2005 Felony marijuana, U.S. District Court, Eastern District of Michigan.
- 2/28/2006 Felony possession with intent to deliver marijuana, Federal Correction Institution, Elkton Ohio.
- 3/29/2013 Felony weapons offense, U.S. District Court, Eastern District of Michigan.

15. I have spoken with Special Agent Dustin Hurt who has received specialized training regarding the manufacture and shipping of firearms and ammunition. S/A Hurt stated that the .45 caliber, HS Produkt (Springfield Armory) model XD45, semi-automatic pistol, bearing serial number GM462060 was manufactured outside the state of Michigan and was therefore possessed in and affecting interstate commerce.

CONCLUSION

16. Based on this information, probable cause exists that James Massey violated 18 U.S.C. § 922(g)(1) on July 14, 2023.



KENNETH MONROE, Affiant
Task Force Agent
Bureau of Alcohol, Tobacco, Firearms & Explosives

Sworn to before me and signed in my presence and/or by reliable electronic means
on _July 19, 2023_____.



Hon. Curtis Ivy, Jr.
United States Magistrate Judge